

# Calendar No. 825

91ST CONGRESS }  
2d Session }

SENATE

} REPORT  
No. 91-818

## DELILAH AURORA GAMATERO

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APRIL 30, 1970.—Ordered to be printed

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Mr. EASTLAND, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany H.R. 2817]

The Committee on the Judiciary, to which was referred the bill (H.R. 2817) for the relief of Delilah Aurora Gamatero, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to grant to the adopted daughter of a citizen of the United States and his wife the status of a first-preference immigrant, which is the status normally enjoyed by the natural-born alien sons and daughters of U.S. citizens.

#### STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old-native and citizen of the Philippine Islands, who presently resides in that country with her natural parents. She entered the United States on February 11, 1958, as a student, and remained until July 1965. During her stay in the United States, the beneficiary graduated from high school and completed a course in cosmetology. On April 26, 1965, the beneficiary was adopted by Mr. and Mrs. Carlos C. Gamatero, a citizen of the United States, and a lawful resident alien, respectively. The adoptive father is distantly related to the beneficiary.

A letter, with attached memorandum, dated April 30, 1969, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D.C., April 30, 1969.*

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 2817) for the relief of Delilah Aurora Gamatero, there is attached a memorandum of information concerning the beneficiary.

The bill provides that the 25-year-old adopted daughter of Mr. Carlos C. Gamatero may be classified as a child and be granted immediate relative status.

Absent enactment of the bill, the beneficiary, a native of the Philippines, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

RAYMOND F. FARRELL,  
*Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE H.R. 2817

Information concerning this case was obtained from Mr. Carlos C. Gamatero, the beneficiary's adoptive father and the interested party in this case.

The beneficiary, Delilah Aurora Gamatero, a native and citizen of the Philippines, was born January 26, 1944. She is single, unemployed, and has no mentionable assets. She resides in the Philippines with her three sisters, one brother, and her natural parents, Benigo Nalupta, and Marina Mata Nalupta. The beneficiary was adopted April 26, 1965, by Mr. and Mrs. Carlos C. Gamatero in the Superior Court at Los Angeles, Calif. A copy of the adoption decree is attached. Her name prior to adoption was Delilah Mata Nalupta. The beneficiary entered the United States February 11, 1958, as a nonimmigrant student and was authorized to remain until July 1965, when she returned to her native country. During her stay in this country, she resided with her adoptive parents. She also graduated from high school and completed a course in cosmetology.

The interested party, Mr. Carlos C. Gamatero, a native of the Philippines and a citizen of the United States, is married and resides in Los Angeles, Calif., with his wife, Aurora Quiaoit Gamatero, a native and citizen of the Philippines and a permanent resident of the United States. They were married in the Philippines in 1946 and are childless. Mr. Gamatero is distantly related to the beneficiary and Mrs.

Gamatero was raised in the same household as the beneficiary's mother. Both Mr. and Mrs. Gamatero have known the beneficiary all of her life. Mrs. Gamatero is not employed. Mr. Gamatero is employed as a student cook in a department store in Los Angeles where he receives his meals and a weekly salary of \$80. His assets consist of a \$15,000 equity in an apartment house valued at \$30,000, \$7,000 in escrow awaiting the sale of his former property, and personal property which he values at \$5,000. He also receives \$180 a month income from the rental of his apartments.

On November 18, 1966, Mr. Gamatero filed a sixth-preference visa petition in behalf of the beneficiary as a live-in domestic. Such petition was denied December 13, 1966, at Los Angeles on the ground that the beneficiary was ineligible for such a position. His subsequent appeal to the Regional Commissioner, Southwest Region, was dismissed February 1, 1967.

The adoptive parents state that they desire to bring the beneficiary to this country and give her as much education as she desires and to regard her as their own child and heir.

H.R. 19837 introduced in the 90th Congress in behalf of the beneficiary was not enacted.

BELLE F. SIEGEL,  
215 W. Fifth Street  
Los Angeles, Calif.  
MA-6-6120  
Attorney for Petitioners

SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF  
LOS ANGELES

No. AD 59015, DECREE OF ADOPTION

In the Matter of the Adoption of  
DELILAH M. NALUPTA  
an Adult Person

DELILAH M. NALUPTA

Name on Birth Certificate

The petition of Carlos C. Gamatero and Aurora Q. Gamatero, Husband and Wife, and Delilah M. Nalupta, a single woman, for adoption, came on regularly to be heard on April 26, 1965, in Department 31 of the above-entitled court, before the Honorable A. A. Scott, Judge presiding, Belle F. Siegel appearing as attorney for Carlos C. Gamatero, Aurora Q. Gamatero, and Delilah M. Nalupta, Petitioners, who were examined by the Court, each separately, from which examination it is found that the petitioner, Delilah M. Nalupta, the person being adopted herein, is younger than petitioners, Carlos C. Gamatero and Aurora Q. Gamatero, the adopting persons herein, and that said petitioners Carlos C. Gamatero and Aurora Q. Gamatero are residents of the County of Los Angeles, State of California; that petitioner, Delilah M. Nalupta has resided in the County of Los Angeles, California, since 1958, on a student's visa issued by the Philippine Islands.

That petitioners have heretofore and on or about the 2nd day of April, 1965, entered an agreement in writing wherein and whereby petitioners Carlos C. Gamatero and Aurora Q. Gamatero agreed to adopt petitioner, Delilah M. Nalupta, and the latter agreed to be adopted by the former, and the said respective parties agreed to assume toward each other the legal relation of parents and child and to have all of the rights and be subject to all the duties and responsibilities of that relationship; and the Court, after hearing the evidence, being satisfied and find that the said adoption will be for the best interests of the parties and in the public interest, and that there is no reason why he petition herein should not be granted..

It is hereby ordered, adjudged and decreed that the petition herein be and hereby is granted and approved and that said Agreement of Adoption is hereby approved, and that said petitioner, Delilah M. Nalupta, shall be and is hereby adopted by the petitioners herein, Carlos C. Gamataro and Aurora Q. Gamatero, and that said Delilah M. Nalupta shall hereafter be regarded and treated in all respects as the child of Carlos C. Gamatero and Aurora Q. Gamatero, and hereafter bear the name of Delilah Aurora Gamatero.

Dated : April 26th, 1965.

A. A. SCOTT,  
*Judge of the Superior Court.*

The document to which this certificate is attached is a full, true and correct copy of the original on the file and of record in my office. Same having been filed April 26, 1965, and entered April 28, 1965, judgment book, March 24, 1969.

Attest :

WILLIAM G. SHARP, county clerk and clerk of the superior court of the State of California for the County of Los Angeles.

By OLLI H. KEM, *Deputy.*

The Department of State submitted the following report on the bill dated June 3, 1969, to the chairman of the Committee on the Judiciary of the House of Representatives :

DEPARTMENT OF STATE,  
*Washington, D.C., June 3, 1969.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives,  
Washington, D.C.*

DEAR MR. CHAIRMAN : In reference to your request for a report concerning the case of Delilah Aurora Gamatero, beneficiary of H.R. 2817, 91st Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at Manila, Philippines where the beneficiary was issued a nonimmigrant visa. H.R. 19837, 90th Congress, on the beneficiary's behalf, was not enacted.

The bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon approval of a petition filed by Mr. Carlos C. Gamatero, a citizen of the United States.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,  
*Assistant Secretary for Congressional Relations.*



SUBMITTED BY THE AMERICAN EMBASSY AT MANILA, PHILIPPINES

Memorandum of Information Concerning H.R. 2817, 91st Congress, for the Relief of Delilah Aurora Gamatero

Delilah Aurora Gamatero was born Delila Mata Nalupta on January 26, 1944, at Batac, Ilocos Norte, Philippines. She is single, presently unemployed and resides with her natural parents, Benigno Nalupta and Marina Mata at Batac, Ilocos Norte. She has a brother, Gegorio, and three sisters, Soledad, Evangeline, and Maria Mercedes, all of whom live in the Philippines. In the United States, she has her adoptive parents, Mr. and Mrs. Carlos Calaycay Gamatero residing at 829 North Coronado Street, Los Angeles 26, Calif.

Miss Gamatero studied at the Sumader Elementary School, Batac, Ilocos Norte, from 1950 to 1956. She took 1 year of high school at the Batac Institute from 1956-57 but did not finish her second year. She studied for one semester in 1958 at the James Foshay Junior High School, Los Angeles, but was an irregular student. She transferred to the Virgil Junior High School where she began the first semester of her eighth grade, was accelerated to the ninth. She began her senior high school studies at the Belmont High School where she graduated in 1962. After graduating, she took up cosmetology at the California Institute of Hair Design in Los Angeles from 1962-63. After completing that course, she took up teacher's training in cosmetology in the same institute but did not finish the course because her stay had expired. She returned to the Philippines on June 6, 1965, and has not been working since that time.

Miss Gamatero was issued a student visa by the Embassy in her former name on January 20, 1958. She stated on her application that she intended to stay in the United States for an indefinite period of time to study. She is registered under the heavily oversubscribed nonpreference category with a priority date of December 3, 1965. Unfortunately, the demand for visas by higher preference applicants of Philippine birth now exceeds the 20,000 visa numbers available annually for natives of the Philippines. As long as the demand by these applicants is sufficient to absorb the numerical limitation for that foreign state, numbers cannot be made available for applicants who fall under the nonpreference category. Miss Gamatero was legally adopted by Mr. and Mrs. Carlos Gamatero on April 26, 1965. Three copies of the adoption decree are enclosed.

A medical examination performed by a member of the Embassy's panel of physicians showed no defect, disease, or disability. The Embassy's clearance investigation revealed no derogatory information concerning the beneficiary.

Congressman George E. Brown, Jr., the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. Chairman and members of the committee, I wish to thank the members of the subcommittee for their consideration of H.R. 2817, my private immigration legislation on behalf of Miss Delilah Aurora Gamatero, the legally adopted daughter of my constituents, Mr. and Mrs. Carlos C. Gamatero. The purpose of the bill is to classify the beneficiary, who is a native and citizen of the Philippines, as a child as the term is defined in the Immigration and Nationality Act so that she may be considered as an immediate relative of an American citizen upon approval of a petition filed in her behalf by Mr. Gamatero. I had introduced identical legislation on Miss Gamatero's behalf in the 90th Congress.

Mr. and Mrs. Gamatero's interest in their daughter being readmitted to the United States as a permanent resident first came to my attention in 1965, shortly after she had returned to the Philippines. She had previously been admitted to the United States as a student and had remained here approximately 7 years. During that time she attended junior and senior high school in Los Angeles and also was trained as a cosmetologist. Since she has been licensed by the State of California to practice in this field, the possibility that she could qualify for sixth-preference classification on the basis of her occupation was explored. Labor certification for such employment could not be obtained, however, and Mr. and Mrs. Gamatero then proceeded to petition for her on the basis her services as a domestic were required in the home. The Immigration and Naturalization Service determined the beneficiary was ineligible for this type of employment and the petition was denied on appeal to the Southwest Regional Commissioner. The efforts to secure preference status for Miss Gamatero took place when sixth-preference visa numbers under the Philippine quota were available. As the subcommittee knows, the situation has changed since then and this section has been heavily oversubscribed for some time. In the event there should be an increased demand for cosmetologists in the Los Angeles area and labor certification could be obtained on this occupation, Miss Gamatero would still be faced with a long and indefinite waiting period before a sixth-preference visa number becomes available for her use. She is presently registered under the nonpreference portion of the Philippine quota and her ineligibility for preference consideration virtually precludes issuance of her visa anytime within the foreseeable future.

From the information furnished by the Immigration and Naturalization Service in its report on H.R. 2817, it would appear Mr. and Mrs. Gamatero are financially secure and should have no difficulty in providing a home for Miss Gamatero and any additional education she might wish to attain. She would also have the opportunity to work in her

profession as a beauty operator and take advantage of the schooling and training she previously received while residing with her adoptive parents. Mr. and Mrs. Gamatero have expressed to me the parental love and affection they feel for their daughter and only child. Although they are not elderly people, both are in their midfifties, they are looking forward to the presence of their daughter and the love and comfort she can provide when they approach their senior years. I am confident this love and devotion on their part is reciprocated by Miss Gamatero, and I am sure she is eagerly anticipating the time when she will be reunited with her parents.

I sincerely feel the humanitarian aspects involved in the Gamatero family's situation and the fact that no administrative relief appears available to end the enforced separation of the family requires the exceptional remedy provided by H.R. 2817 and for these reasons I would respectfully request the subcommittee for favorable consideration of this bill. I will be glad to answer any questions I can or obtain any additional information that the members feel is necessary or desirable.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 2817) should be enacted.



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